



Planning and Development Acts 2000 to 2022

Amendment of Board Order

Planning Authority: Dublin City Council.

Planning Register Reference Number: 4340/23.

Development Concerned: The development will consist of a change of use from office to residential and comprise the sub-division of the original four-storey over basement and two storey rear return, including a modern extension, into 11 new residential units, including two one-bed units (measuring 47 square metres and 52 square metres) and nine studio units with an average area of 29 square metres. The proposed works extend to an overall site area of circa 210 square metres and shall comprise the following: (1) removal of non-original elements to the rear. This includes (i) the modern L-shaped basement structure at basement level; (ii) the modern plan room structure at ground floor level and brick flue enclosure to above eaves level; (iii) the modern steel deck which extends across the rear facade of number 16 at first, second and third floor level; (iv) the toilet block constructed on the roof of the original two-storey return structure; (v) the two number projecting bay windows to the north and east elevations of the original two-storey return; (vi) the single-storey flat roofed modern extension to the rear at the former garden level; (2) new construction works to the former garden level, comprising a new 40 square metres single-storey structure at basement level with a green roof

(to provide a one-bed apartment unit) to replace a non-original 50 square metres office structure constructed at ground floor level;

(3) new construction works to the original two-storey return at the rear, comprising a 3.6 square metres semi-circular extension to the original gable to include a new stair, the reinstatement of the original mansard type roof structure (following the removal of the modern toilet block) and new window opening to the north façade; (4) general external upgrade works and construction repairs to the building envelope to include (i) replacing the finishes to the historic double pitch roof and valley gutter, (ii) installing a new automatic openable roof vent over the stair, (iii) replacement of existing front UPVC rainwater goods to the front elevation; (iv) replacement of the non-original external steel access stair to front lightwell; (v) cleaning of all original brickwork; (vi) repair of the original windows; and, (vii) new services/plant to replace existing in the existing cellar/front lightwell; (5) various internal upgrade works and conservation repairs; incorporating works required to achieve compliance with current Building Regulations, including: (i) removing the non-original lift; (ii) removing the non-original steel stair from ground floor level to basement, (iii) damp proofing works to the basement; (iv) internal dry lining works to the basement; (v) upgrade of existing timber floors to meet fire and acoustic performance requirements; (vi) new concrete floor construction to the basement; and, (vii) new electrical and mechanical services installations to serve the residential units; (viii) historic plasterwork repairs, all at 16 Herbert Street (Protected Structure), Dublin.

WHEREAS the Board made a decision to grant permission, subject to conditions, in relation to the above-mentioned development by order dated the 1st day of August 2024:

AND WHEREAS it has come to the attention of the Board that due to a clerical error a condition relating to financial development contributions was omitted from the Board Order,

AND WHEREAS the Board considered that the correction/clarification of the above-mentioned error would not result in a material alteration of the terms of the grant of permission,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the appeal, the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that condition 15 of its order and the reason therefor shall be as follows:

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Martina Hennessy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this ^{4th} day of October 2024.